

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to contested cases and providing an opportunity for public comment

The Transportation Department hereby proposes to amend Chapter 13, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The proposed amendments to Chapter 13 change “office” to “bureau” to match the current organization of the Department and add a new subrule, which was requested by the Department of Inspections and Appeals. This proposed subrule permits the Department of Inspections and Appeals to allow service by email or notice of electronic filing to an attorney if an appellant is represented.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on September 1, 2022, via conference call at 1:30 p.m. Persons who wish to participate in the conference call should contact Tracy

George before 4:30 p.m. on August 30, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Strike "office" wherever it appears in rules **761—13.4(17A)** and **761—13.7(17A)** and insert "bureau" in lieu thereof:

ITEM 2. Adopt the following **new** subrule 13.12(3):

13.12(3) Notwithstanding subrule 13.12(2), any notices, communications and decisions regarding the contested case issued and sent directly by the department of inspections and appeals may be sent by email or notice of electronic filing as defined by rule 481—16.2(10A) to the party's attorney at the latest email address which the party's attorney has provided to the department of inspections and appeals.